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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,154	02/14/2002	Yoshinori Hino	10417-118001/ F51-142893M	8619

26211 7590 09/05/2003

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NEW YORK, NY 10111

EXAMINER
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TRAN, TAN N

ART UNIT	PAPER NUMBER
2826	

DATE MAILED: 09/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/076,154	HINO ET AL. <i>NC</i>
	Examiner TAN N TRAN	Art Unit 2826

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on amendment filed on 08/06/03.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-17, 19-23 and 28-33 is/are pending in the application.

4a) Of the above claim(s) 1-17 is/are withdrawn from consideration.

5) Claim(s) 21-23, 28 and 31-33 is/are allowed.

6) Claim(s) 19, 20, 29 and 30 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

### **DETAILED ACTION**

1. Applicant's communication filed on 8/06/03 has been carefully considered by the examiner. The arguments advanced therein are persuasive with respect to the rejections of record and those rejections are accordingly withdrawn. In view of a further search, however, a new rejection is set forth further below. This action is made final.

#### **Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 19,29 are rejected under 35 U.S.C. 102(a) as being anticipated by ANAND (2001/0013657).

With regard to claim 19, ANAND discloses an upper metal portion 20b serves as an upper layer wiring; the bonding pad 21 and a portion of the wire 28 which attaches to the bonding pad 21 serve as a pad portion disposed above the upper the metal portion 20b; an interlayer insulating film 18 disposed below the upper metal portion 20b; a lower metal portion 17b serves as a lower layer wiring disposed below the interlayer insulating film 18; and a hole 19a in the interlayer insulating film 18, connecting the upper the metal portion 20b and a lower metal portion 17b, the hole 19a being formed not under but laterally spaced away from the pad portion, wherein no hole connecting the upper the metal portion 20b and the lower metal portion 17b is formed under the pad portion. (Note fig. 45 of ANAND).

With regard to claims 29, ANAND discloses the interlayer insulating layer (15,25,18, is provided with additional holes to couple the upper wiring to the lower layer wiring. (Note fig. 45 of ANAND).

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over ANAND (2001/0013657).

With regard to claims 20,30 ANAND discloses all the claimed subject matter except for a lower wiring arranged under the bump electrode and a bump electrode provide at the pad portion. However, it would have been obvious to one of ordinary skill in the art to form a lower wiring arranged under the bump electrode a bump electrode provide at the pad portion in order to relax an external pressure to be exerted on an active element.

### **Allowable Subject Matter**

4. Claims 21-23,28,31-33 allowable over the prior art of record, because none of these references disclose or can be combined to yield the claimed invention such as an upper layer

wiring having a pad portion, disposed over the interlayer insulating film and connected to the lower wiring through the via hole as recited in claim 21, and a low concentration region of the same conductivity type as the source/drain region formed extending shallowly to surface layer of the semiconductor under the gate electrode so as to connect the source/drain region and to contact the semiconductor region.

### Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Tan Tran whose telephone number is (703) 305-3362. The examiner can normally be reached on M-F 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (703) 308-6601. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for after final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

TT

August 2003

*Minhloan Tran*  
Minhloan Tran  
Primary Examiner  
Art Unit 2826